

JAMES A. PATTEN
PATTEN, PETERMAN,
BEKKEDAH & GREEN,
PLLC
Suite 300, The Fratt Building
2817 Second Avenue North
Billings, MT 59101-2041
Telephone: (406) 252-8500
Facsimile: (406) 294-9500
email: apatten@ppbglaw.com

Attorneys for Plaintiffs
INDIGENOUS
ENVIRONMENTAL
NETWORK and NORTH
COAST RIVERS ALLIANCE

STEPHAN C. VOLKER (Pro hac vice)
ALEXIS E. KRIEG (Pro hac vice)
STEPHANIE L. CLARKE (Pro hac vice)
JAMEY M.B. VOLKER (Pro hac vice)
LAW OFFICES OF STEPHAN C. VOLKER
1633 University Avenue
Berkeley, California 94703-1424
Telephone: (510) 496-0600
Facsimile: (510) 845-1255
email: svolker@volkerlaw.com
akrieg@volkerlaw.com
sclarke@volkerlaw.com
jvolker@volkerlaw.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

INDIGENOUS ENVIRONMENTAL)
NETWORK and NORTH COAST RIVERS)
ALLIANCE,)

Plaintiffs,)

vs.)

PRESIDENT DONALD J. TRUMP,)
UNITED STATES DEPARTMENT OF)
STATE; MICHAEL R. POMPEO, in his)
official capacity as U.S. Secretary of State;)
UNITED STATES ARMY CORPS OF)
ENGINEERS; LT. GENERAL TODD T.)
SEMONITE, Commanding General and)
Chief of Engineers; UNITED STATES)
FISH AND WILDLIFE SERVICE, a federal)
agency; GREG SHEEHAN, in his official)

Civ. No. CV 19-28-GF-BMM

**DECLARATION OF
STEPHAN C. VOLKER IN
SUPPORT OF PLAINTIFFS'
MOTION FOR LEAVE TO
FILE SECOND AMENDED
COMPLAINT UNDER F.R.
CIV. PRO. 15**

**Hearing:
Time:**

Judge: Hon. Brian M. Morris

capacity as Acting Director of the U.S. Fish)
and Wildlife Service; UNITED STATES)
BUREAU OF LAND MANAGEMENT,)
and DAVID BERNHARDT, in his official)
capacity as Acting U.S. Secretary of the)
Interior,)

Defendants,)

TRANSCANADA KEYSTONE PIPELINE,)
LP, a Delaware limited partnership, and TC)
ENERGY CORPORATION, a Canadian)
Public Company,)

Defendant-Intervenors.)

I, Stephan C. Volker, hereby declare:

1. I am lead counsel to Plaintiffs Indigenous Environmental Network, et al. and make this Declaration in support of their Motion for Leave to File Second Amended Complaint for Declaratory, Injunctive and Mandamus Relief. I have personal knowledge of the facts stated below, and if called as a witness, would so testify.

2. On March 2, 2020, at approximately 11:47 am PST, I emailed a copy of Plaintiffs' proposed Second Amended Complaint to counsel for the Federal Defendants Donald J. Trump, et al., and Defendant-Intervenors TransCanada Keystone Pipeline LP and TC Energy Corporation and requested their consent to Plaintiffs' Motion for Leave to File Second Amended Complaint. As of 3:00 pm on March 2, 2020, counsel for the Federal Defendants had responded that they

would oppose the motion, and Defendant-Intervenors have not yet responded to my request.

I declare under penalty of perjury that the foregoing facts are true and correct of my personal knowledge, that I am competent to and if called would so testify, and that this Declaration was executed on March 2, 2020 in Berkeley, California.

Dated: March 2, 2020

s/ *Stephan C. Volker*
STEPHAN C. VOLKER

CERTIFICATE OF SERVICE

I, Stephan C. Volker, am a citizen of the United States. I am over the age of 18 years and not a party to this action. My business address is the Law Offices of Stephan C. Volker, 1633 University Avenue, Berkeley, California 94703.

On March 2, 2020 I served the following documents by electronic filing with the Clerk of the Court using the CM/ECF system, which sends notification of such filing to the email addresses registered in the above entitled action:

**DECLARATION OF STEPHAN C. VOLKER IN SUPPORT OF
PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT UNDER F.R. CIV. PRO. 15**

I declare under penalty of perjury that the foregoing is true and correct.

s/ *Stephan C. Volker*

STEPHAN C. VOLKER (Pro Hac Vice)